

THOMAS ERICSSON, ESQ.
Nevada Bar No. 4982
RACHAEL E. STEWART, ESQ.
Nevada Bar No. 14122
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 878-2889
Facsimile: (702) 522-1542
tom@oronozlawyers.com
Attorneys for Defendant Kevin Stubbs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN STUBBS,

Defendant.

CASE NO.: 2:19-CR-00142-APG-DJA

**STIPULATION TO EXTEND TIME
TO FILE OBJECTIONS TO THE
MAGISTRATE COURT'S REPORT
AND RECOMMENDATION (ECF No.
88)**

ORDER
(First Request)

IT IS HEREBY STIPULATED AND AGREED by Defendant Kevin Stubbs, by and through his attorney, THOMAS A. ERICSSON, ESQ., and the United States of America, by and through TONY LOPEZ, ESQ., and JAMIE MICKELSON, ESQ., Assistant United States Attorneys, that the date for the defendant to file Objections to the Magistrate Court's Report and Recommendation denying Mr. Stubbs' Motion to Suppress Evidence (ECF No. 77) be extended up to and including July 30, 2020.

The request for a continuance is based upon the following:

1. Counsel for the Defendant is awaiting the transcripts from the evidentiary hearing held on June 12, 2020. Counsel believes the transcripts will be necessary for the Court's consideration of the issues raised in the Objections. Counsel

1 requires the additional time to obtain the transcripts and finalize Mr. Stubbs'
2 objections.
3

4 2. Defendant Stubbs is currently in custody and has no objection to the
5 continuance.

6 3. Defense Counsel has spoken to Assistant United States Attorney Jamie
7 Mickelson, and she has no objection to the extension.

8 4. The additional time requested herein is not sought for purposes of delay.

9 5. Denial of this request for an extension would deny counsel for the defendant
10 sufficient time to effectively and thoroughly prepare and submit Objections,
11 taking into account the exercise of due diligence.

12 6. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice.
14

15 This is the first request to extend the time to file the Objections.
16

17 DATED: July 9, 2020

18 Respectfully submitted,
19

20 /s/ Thomas A. Ericsson
21 Thomas A. Ericsson, Esq.
22 Oronoz & Ericsson, LLC
23 1050 Indigo Drive, Suite 120
24 Las Vegas, Nevada, 89145
25 Attorney for Defendant
26
27
28

/s/ Jamie Mickelson
Tony Lopez, Esq.
Jamie Mickelson, Esq.
501 Las Vegas Boulevard, South, Suite 1100
Las Vegas, Nevada, 89101
Attorneys for the United States of America

1 THOMAS ERICSSON, ESQ.
2 Nevada Bar No. 4982
3 RACHAEL E. STEWART, ESQ.
4 Nevada Bar No. 14122
5 1050 Indigo Drive, Suite 120
6 Las Vegas, Nevada 89145
7 Telephone: (702) 878-2889
8 Facsimile: (702) 522-1542
9 tom@oronozlawyers.com
10 *Attorneys for Defendant Kevin Stubbs*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 vs.
16 KEVIN STUBBS,
17 Defendant.

CASE NO.: 2:19-CR-00142-APG-DJA

18 **FINDINGS OF FACT**

19 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
20 Court finds:

- 21 1. Counsel for the Defendant is awaiting the transcripts from the evidentiary
22 hearing held on June 12, 2020. Counsel believes the transcripts will be necessary
23 for the Court's consideration of the issues raised in the Objections. Counsel
24 requires the additional time to obtain the transcripts and finalize Mr. Stubbs'
25 objections.
- 26 2. Defendant Stubbs is currently in custody and has no objection to the
27 continuance.
28

1
2 3. Defense Counsel has spoken to Assistant United States Attorney Jamie
3 Mickelson, and she has no objection to the extension.

4 4. The additional time requested herein is not sought for purposes of delay.

5 5. Denial of this request for an extension would deny counsel for the defendant
6 sufficient time to effectively and thoroughly prepare and submit Objections,
7 taking into account the exercise of due diligence.

8 6. Additionally, denial of this request for continuance could result in a miscarriage
9 of justice.
10

11 **CONCLUSION OF LAW**

12 For all of the above-stated reasons, the ends of justice would best be served by a
13 continuance of the Defendant's deadline to file objections. The additional time requested
14 herein is not sought for purposes of delay, taking into account due diligence. The failure to
15 grant said continuance would likely result in a miscarriage of justice.
16

17 **ORDER**

18 Based on the pending stipulation of the parties, and good cause appearing, the
19 stipulation is hereby GRANTED.

20 IT IS HEREBY ORDERED that the deadline for Defendant to file objections to the
21 Magistrate Court's Report and Recommendation [ECF No. 88] be extended to July 30, 2020.

22 DATED AND DONE this 9th day of July, 2020.
23
24
25

26 
27 UNITED STATES DISTRICT JUDGE
28